



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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Intellectual Property Group  
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Washington, DC 20005-3918

MAILED

OCT 10 2002

Office of the Director  
Group 3600

In re application of :  
Jeffrey M. Spatz :  
Application No. 09/775,311 :  
Filed: February 1, 2001 :  
For: MATERIAL HANDLER APPARATUS :

DECISION ON PETITION  
FOR THE ACCEPTANCE  
OF LATE PAPERS

This is in reply to applicant's Petition To Accept Papers filed August 5, 2002. There is no fee required for this petition.

The petition is **GRANTED**.

A review of the above application indicates that applicant filed an Information Disclosure Statement (IDS) on April 30, 2001 that erroneously listed Application No. 09/775,331 instead of 09/775,311 as the application to which the IDS was to be directed. The instant petition was filed to make the Office aware of the error. It is noted that two additional Information Disclosure Statements have been submitted on June 11, 2002 and August 5, 2002 having the same incorrect Application Number. Prior to submission of the petition the Application Number error was detected in all three IDSs and all were matched with the correct application after correcting the Application Number thereon. Further, the error did not create timeliness problems under 37 CFR 1.97 since the examiner has not yet picked up the application for examination on the merits. Under 37 CFR 1.97(b)(3) all Information Disclosure Statements in the application file will be considered by the examiner at the time the application is examined.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Randolph A. Reese at (703) 308-2121.

The application is being forwarded to the Supervisory Legal Instruments Examiner to credit a refund of \$130 to Deposit Account Number 03-3975 and then to the Central Files area of Technology Center 3600 to await examination on the merits.

Gerald Goldberg, Director  
Patent Technology Center 3600  
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